

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

TELEFAX: (202) 662-6291

TELEX: 89-593 (COVING WSH)

CABLE: COVING

KURT A. WIMMER

DIRECT DIAL NUMBER

(202) 662-5278

DOCKET FILE COPY ORIGINAL

LECONFIELD HOUSE

CURZON STREET

LONDON W1R 6AS

ENGLAND

TELEPHONE: 44-171-495-5655

TELEFAX: 44-171-495-3101

BRUSSELS CORRESPONDENT OFFICE

44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-512-9890

TELEFAX: 32-2-502-1598

June 12, 1996

BY MESSENGER

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Network-Affiliate Rules, MM Docket 95-92

Dear Mr. Caton:

Post-Newsweek Stations, Inc. ("Post-Newsweek"), pursuant to Section 1.1206(a)(2) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(2) (1994), hereby provides two copies of the enclosed ex parte presentation from Sherry Burns of Post-Newsweek to the Commission.

Please direct any inquiries concerning this matter to the undersigned.

Very truly yours,



Kurt A. Wimmer

Attorney for Post-Newsweek
Stations, Inc.

Enclosure

Do 2



SHERRY BURNS
VICE PRESIDENT & GENERAL MANAGER

June 10, 1996

The Honorable Reed E. Hundt, Chairman
The Honorable James H. Quello, Susan Ness
and Rachelle B. Chong, Commissioners
Federal Communications Commission
1919 M Street, N.W., Eighth Floor
Washington, D.C. 20054

Re: MM Docket No. 95-92

Dear Chairman Hundt and Commissioners Quello, Ness and Chong:

I understand the Commission may soon vote on repeal or modification of the "right to reject" rule. I believe that either course would be a mistake. Modifying the network-affiliate rules would serve only the networks' interest; affiliated stations, and their viewers would be the losers. The rules have worked to ensure that local viewers' needs are served.

Local stations at present have some control over their own destiny. If we allow the networks to force us to eliminate "economic" preemptions, we have lost that autonomy. At present, we consider carefully every preemption; we discuss that decision with our network in order to best accommodate mutual needs. But we make the final decision **LOCALLY** based on what we believe to be in the best interest of this television station and the viewers whom we serve. If the network had the power to make that determination for us, would the public interest be served?

The networks would argue that stations preempt primarily for economic gain. Not so ... preemptions occur for several reasons. Economic gain is certainly a consideration. We are faced with dwindling performances by our network (CBS), and as the ratings drop in prime time, so do our revenues. It can become an economic necessity to preempt in order to simply make budget on ratings and revenue.

The Honorable Reed E. Hundt, Chairman
The Honorable James H. Quello, Susan Ness
and Rachelle B. Chong, Commissioners
June 10, 1996
Page Two

But there are other reasons for preemptions. Local community standards are a critical local control. Every station in this market ... a conservative southern city ... has at one time or another preempted network product considered not in keeping with community values. "NYPD Blue," for instance, did not air in Jacksonville for the first two seasons. That decision was made in response to public outcry over the content.

Another reason we preempt our network is to serve the public interest. If the network retains the right-to-reject, how will this station raise \$1,000,000 for the Children's Miracle Network telethon? When will we air (commercial-free) political debates on local races, the ones we now air in prime time for maximum viewer impact? Or how will we be able to simulcast a live town hall meeting on teen pregnancy on all broadcast outlets in prime time (as was done in Jacksonville during the past year), and not be challenged by our network?

Make no mistake; the balance of power will shift to the major networks. Small and medium-sized markets will suffer as they are no match for these huge entertainment conglomerates which the networks have become. And as these decisions are removed from the local level, the ultimate victim will become the viewer.

The Commission should not modify the right to reject rule. The communications marketplace is undergoing much change. The Commission should wait until the full impact of these changes have taken place before further modification of the network affiliate rules.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherry Burns".

Sherry Burns
Vice President and General Manager